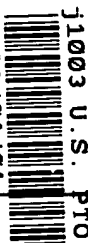


09/04/01



Please type a plus sign (+) inside this box

+

PTO/SB/05 (12/9  
Approved for use through 09/30/00. OMB 0851-003  
Patent and Trademark Office: U.S. Department of Commerce

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

<b>UTILITY</b>  <b>PATENT APPLICATION</b>  <b>TRANSMITTAL</b>  (Only for new nonprovisional applications under 37 CFR 1.53(b))	Atty Docket No.	32935RC497723	Total Pages	59
	First Named Inventor of Application Identifier			
	Luis A. Ruiz			
	Express Mail Label No.:			

1c979 U.S. PRO  
09/04/01

<b>APPLICATION ELEMENTS</b>  See MPEP chapter 600 concerning utility patent contents.	Assistant Commissioner for Patents ADDRESS TO: Box Patent Applications Washington, DC 20231
---	---

1. <input checked="" type="checkbox"/> Fee Transmittal Form (submit an original and a duplicate for fee processing) 2. <input checked="" type="checkbox"/> Specification [Total Pages <u>49</u> ] - Descriptive title of the Invention - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) Claim(s) Abstract of the Disclosure 3. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) [Total Sheets <u>7</u> ] 4. <input checked="" type="checkbox"/> Oath or Declaration a. <input checked="" type="checkbox"/> Newly executed (original or copy) [Total Pages <u>1</u> ] b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/division with Box 17 completed) [Note Box 5 below] i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b) 5. <input checked="" type="checkbox"/> Incorporation By Reference (useable if Box 4b is checked) The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.	6. <input type="checkbox"/> Microfiche Computer Program (Appendix) 7. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) a. <input type="checkbox"/> Computer Readable Copy b. <input type="checkbox"/> Paper Copy (identical to computer copy) c. <input type="checkbox"/> Statement verifying identity of above copies
---	---

**ACCOMPANYING APPLICATION PARTS**

- 8. ☐ Assignment Papers (cover sheet & document(s))
- 9. ☐ 37 CFR 3.73(b) Statement (when there is an assignee)  
    ☐ Power of Attorney
- 10. ☐ English Translation Document (if applicable)
- 11. ☒ Information Disclosure Statement (IDS)/PTO-1449  
    ☐ Copies of IDS Citations
- 12. ☒ Preliminary Amendment
- 13. ☒ Return Receipt Postcard (MPEP 503) Should be specifically itemized)
- 14. ☐ Small entity Statement(s)  
    ☐ Statement filed in prior application. Status still proper and desired.
- 15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
- 16. ☐ Other

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:  
☒ Continuation    ☐ Divisional    ☐ Continuation-in-part (CIP) of pending prior international application No. U.S. Serial No. 09/186,884, Filed November 6, 1998, entitled APPARATUS AND METHOD FOR PERFORMING PRESBYOPIA CORRECTIVE SURGERY

18. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label (insert Customer No. or Attach bar code label here) or ☐ Correspondence address below

Name	Smith, Gambrell & Russell, LLP,				
Address	1850 M Street, N.W., Suite 800				
City	Washington	State	D.C.	Zip Code	20036
Country	U.S.	Telephone	(202) 659-2811	Fax	(202) 263-4329

Name (Print/Type)	Dennis C. Rodgers	Registration No. (Attorney/Agent)	32,936
Signature		Date	September 4, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETE FORMS TO THE ADDRESS, SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 2023

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

<b>FEE TRANSMITTAL</b>  Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12. See 37 C.F.R. §§1.27 and 1.28.	<b>Complete if Known</b>	
	Application Number	New
	Filing Date	September 4, 2001
	First Named Inventor	Luis A. Ruiz
	Examiner Name	Unassigned
	Group / Art Unit	Unassigned
	Attorney Docket No.	32935RC497723
TOTAL AMOUNT OF PAYMENT: \$ 534.00		

<b>METHOD OF PAYMENT (check one)</b>  1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:  Deposit Account No.: 02-4300 Deposit Account Name: _____  <input checked="" type="checkbox"/> Charge any additional fee Required Under 37 C.F.R. §§1.16 and 1.17 related to this filing <input type="checkbox"/> Charge the Issue Fee Set in 37 C.F.R. §1.18 at the Mailing of the Notice of Allowance  2. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other	<b>FEE CALCULATION (continued)</b>  3. <b>ADDITIONAL FEES</b> <table border="1"><thead><tr><th>Large Entity Fee Code</th><th>Large Entity Fee (\$)</th><th>Small Entity Fee Code</th><th>Small Entity Fee (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr><tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr><tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr><tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr><tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr><tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr><tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr><tr><td>116</td><td>380</td><td>216</td><td>190</td><td>Extension for reply within second month</td><td></td></tr><tr><td>117</td><td>870</td><td>217</td><td>435</td><td>Extension for reply within third month</td><td></td></tr><tr><td>118</td><td>1,360</td><td>218</td><td>680</td><td>Extension for reply within fourth month</td><td></td></tr><tr><td>128</td><td>1,850</td><td>228</td><td>925</td><td>Extension for reply within fifth month</td><td></td></tr><tr><td>119</td><td>300</td><td>219</td><td>150</td><td>Notice of Appeal</td><td></td></tr><tr><td>120</td><td>300</td><td>220</td><td>150</td><td>Filing a brief in support of an appeal</td><td></td></tr><tr><td>121</td><td>260</td><td>221</td><td>130</td><td>Request for oral hearing</td><td></td></tr><tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr><tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr><tr><td>141</td><td>1,210</td><td>241</td><td>605</td><td>Petition to revive - unintentional</td><td></td></tr><tr><td>142</td><td>1,210</td><td>242</td><td>605</td><td>Utility issue fee (or reissue)</td><td></td></tr><tr><td>143</td><td>430</td><td>243</td><td>215</td><td>Design issue fee</td><td></td></tr><tr><td>144</td><td>580</td><td>244</td><td>290</td><td>Plant issue fee</td><td></td></tr><tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr><tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr><tr><td>126</td><td>240</td><td>126</td><td>240</td><td>Submission of Information Disclosure Statement</td><td></td></tr><tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr><tr><td>146</td><td>760</td><td>246</td><td>380</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr><tr><td>149</td><td>70</td><td>249</td><td>380</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr></tbody></table> Other fee (specify) _____  Other fee (specify) _____  SUBTOTAL (3): \$ 0.00  <b>TOTAL: \$ 534.00</b>	Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - late filing fee or oath		127	50	227	25	Surcharge - late provisional filing fee or cover sheet		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	380	216	190	Extension for reply within second month		117	870	217	435	Extension for reply within third month		118	1,360	218	680	Extension for reply within fourth month		128	1,850	228	925	Extension for reply within fifth month		119	300	219	150	Notice of Appeal		120	300	220	150	Filing a brief in support of an appeal		121	260	221	130	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - unavoidable		141	1,210	241	605	Petition to revive - unintentional		142	1,210	242	605	Utility issue fee (or reissue)		143	430	243	215	Design issue fee		144	580	244	290	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Petitions related to provisional applications		126	240	126	240	Submission of Information Disclosure Statement		581	40	581	40	Recording each patent assignment per property (times number of properties)		146	760	246	380	Filing a submission after final rejection (37 CFR 1.129(a))		149	70	249	380	For each additional invention to be examined (37 CFR 1.129(b))	
Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																														
105	130	205	65	Surcharge - late filing fee or oath																																																																																																																																																															
127	50	227	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																															
139	130	139	130	Non-English specification																																																																																																																																																															
147	2,520	147	2,520	For filing a request for reexamination																																																																																																																																																															
112	920*	112	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																															
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																															
115	110	215	55	Extension for reply within first month																																																																																																																																																															
116	380	216	190	Extension for reply within second month																																																																																																																																																															
117	870	217	435	Extension for reply within third month																																																																																																																																																															
118	1,360	218	680	Extension for reply within fourth month																																																																																																																																																															
128	1,850	228	925	Extension for reply within fifth month																																																																																																																																																															
119	300	219	150	Notice of Appeal																																																																																																																																																															
120	300	220	150	Filing a brief in support of an appeal																																																																																																																																																															
121	260	221	130	Request for oral hearing																																																																																																																																																															
138	1,510	138	1,510	Petition to institute a public use proceeding																																																																																																																																																															
140	110	240	55	Petition to revive - unavoidable																																																																																																																																																															
141	1,210	241	605	Petition to revive - unintentional																																																																																																																																																															
142	1,210	242	605	Utility issue fee (or reissue)																																																																																																																																																															
143	430	243	215	Design issue fee																																																																																																																																																															
144	580	244	290	Plant issue fee																																																																																																																																																															
122	130	122	130	Petitions to the Commissioner																																																																																																																																																															
123	50	123	50	Petitions related to provisional applications																																																																																																																																																															
126	240	126	240	Submission of Information Disclosure Statement																																																																																																																																																															
581	40	581	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																															
146	760	246	380	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																																															
149	70	249	380	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																																															
<b>FEE CALCULATION</b>  1. <b>BASIC FILING FEE</b> <table border="1"><thead><tr><th>Large Entity Fee Code</th><th>Large Entity Fee (\$)</th><th>Small Entity Fee Code</th><th>Small Entity Fee (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>101</td><td>760</td><td>201</td><td>380</td><td>Utility filing fee</td><td>355.00</td></tr><tr><td>106</td><td>310</td><td>206</td><td>155</td><td>Design filing fee</td><td></td></tr><tr><td>107</td><td>480</td><td>207</td><td>240</td><td>Plant filing fee</td><td></td></tr><tr><td>108</td><td>760</td><td>208</td><td>380</td><td>Reissue filing fee</td><td></td></tr><tr><td>114</td><td>150</td><td>214</td><td>75</td><td>Provisional filing fee</td><td></td></tr></tbody></table> SUBTOTAL (1): \$ 355.00  2. <b>EXTRA CLAIM FEES</b> <table border="1"><thead><tr><th>Extra Claims</th><th>Fee from below</th><th>Fee paid</th></tr></thead><tbody><tr><td>Total Claims 31 - 20 = 11 x \$9.00 =</td><td></td><td>99.00</td></tr><tr><td>Indep. Claims 5 - 3 = 2 x \$40.00 =</td><td></td><td>80.00</td></tr><tr><td>Multiple Dep. 0 = 0 x \$260.00 =</td><td></td><td>0.00</td></tr></tbody></table> *or number previously paid, if greater; For Reissues, see below. <table border="1"><thead><tr><th>Large Entity Fee Code</th><th>Large Entity Fee (\$)</th><th>Small Entity Fee Code</th><th>Small Entity Fee (\$)</th><th>Fee Description</th></tr></thead><tbody><tr><td>103</td><td>18</td><td>203</td><td>9</td><td>Claims in excess of 20</td></tr><tr><td>102</td><td>78</td><td>202</td><td>39</td><td>Independent claims in excess of 3</td></tr><tr><td>104</td><td>260</td><td>204</td><td>130</td><td>Multiple dependent claim, if not paid</td></tr><tr><td>109</td><td>78</td><td>209</td><td>39</td><td>Reissue independent claims over original patent</td></tr><tr><td>110</td><td>18</td><td>210</td><td>9</td><td>Reissue claims in excess of 20 and over original patent</td></tr></tbody></table> SUBTOTAL (2): \$179.00	Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	101	760	201	380	Utility filing fee	355.00	106	310	206	155	Design filing fee		107	480	207	240	Plant filing fee		108	760	208	380	Reissue filing fee		114	150	214	75	Provisional filing fee		Extra Claims	Fee from below	Fee paid	Total Claims 31 - 20 = 11 x \$9.00 =		99.00	Indep. Claims 5 - 3 = 2 x \$40.00 =		80.00	Multiple Dep. 0 = 0 x \$260.00 =		0.00	Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	103	18	203	9	Claims in excess of 20	102	78	202	39	Independent claims in excess of 3	104	260	204	130	Multiple dependent claim, if not paid	109	78	209	39	Reissue independent claims over original patent	110	18	210	9	Reissue claims in excess of 20 and over original patent																																																																																					
Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																														
101	760	201	380	Utility filing fee	355.00																																																																																																																																																														
106	310	206	155	Design filing fee																																																																																																																																																															
107	480	207	240	Plant filing fee																																																																																																																																																															
108	760	208	380	Reissue filing fee																																																																																																																																																															
114	150	214	75	Provisional filing fee																																																																																																																																																															
Extra Claims	Fee from below	Fee paid																																																																																																																																																																	
Total Claims 31 - 20 = 11 x \$9.00 =		99.00																																																																																																																																																																	
Indep. Claims 5 - 3 = 2 x \$40.00 =		80.00																																																																																																																																																																	
Multiple Dep. 0 = 0 x \$260.00 =		0.00																																																																																																																																																																	
Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description																																																																																																																																																															
103	18	203	9	Claims in excess of 20																																																																																																																																																															
102	78	202	39	Independent claims in excess of 3																																																																																																																																																															
104	260	204	130	Multiple dependent claim, if not paid																																																																																																																																																															
109	78	209	39	Reissue independent claims over original patent																																																																																																																																																															
110	18	210	9	Reissue claims in excess of 20 and over original patent																																																																																																																																																															

<b>SUBMITTED BY</b>				<b>Complete (if applicable)</b>	
Typed or Printed Name		Dennis C. Rodgers		Reg. Number	32,936
Signature		Date	September 4, 2001	Deposit Account	02-4300

Atty. Dkt. No.  
32935RC497723

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Luis A. Ruiz

U.S. Serial No.: To Be Assigned

Group Art Unit: To Be

Filed: : September 4, 2001 (Herewith)

Examiner: To Be Assigned

For : APPARATUS AND METHOD FOR PERFORMING PRESBYOPIA CORRECTIVE  
: SURGERY Attorney

**FORMAL DRAWING TRANSMITTAL**


Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Enclosed herewith are 7 sheets of formal drawings. The formal drawings are submitted to satisfy all formal drawing requirements.

Respectfully submitted,  
SMITH, GAMBRELL & RUSSELL, LLP

By:

  
\_\_\_\_\_  
Dennis C. Rodgers, Reg. No. 32,936  
1850 M Street, N.W., Suite 800  
Washington, D.C. 20036  
TEL: (202) 659-2811  
FAX: (202) 263-4329

Date: September 4, 2001

094410.09401